

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2247.05
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	April 18, 2005
DATE OF REPORT:	May 17, 2005
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	September 13, 2005

COMPLAINT ISSUES:

Whether Linton-Stockton School Corporation and Greene-Sullivan Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide a one-on-one instructional assistant.

FINDINGS OF FACT:

1. The Student has been identified as having autism spectrum disorder and a communication disorder, and has been determined eligible for special education and related services.
2. The Student's IEP for the period of August 17, 2004, through May 25, 2005, calls for a "1:1 instructional assistant" (IA) to help the Student in the cross-categorical classroom (which has students with a range of disabilities and from different grades) and in the first grade classroom.
3. In late October 2004, the School reassigned the teacher in charge of the Student's cross-categorical classroom to another area of the School. An IA in the classroom, a licensed special education teacher, was hired to teach the class. The new teacher had been assigned as an IA due to her ability to communicate in sign language to promote language development.
4. A new IA was hired for the class in October 2004. Besides the teacher, there are four IA's in the class of 12 students.
5. The Student receives one-on-one assistance from an adult throughout the day in the cross-categorical classroom. This is usually from the teacher, who is situated right next to the Student, but may be from one of the four IA's. Additionally, the teacher of the cross-categorical class accompanies the Student to special classes such as art and music, and to the first grade classroom, where she provides one-on-one instructional assistance to the Student.

CONCLUSIONS:

1. Findings of Fact #2 through #5 indicate that, although the teacher provides many services to the Student on a daily basis, the School has nonetheless failed to provide a one-on-one assistant whose only responsibility is the Student. The teacher may not fill both the role of

teacher and of instructional assistant at the same time. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

Linton-Stockton School Corporation and Greene-Sullivan Special Education Cooperative shall:

Convene the CCC to determine whether an instructional assistant continues to be necessary during the Student's 2005-2006 school year, and if so, the way in which instructional assistance will be provided to the Student. Devise a plan and include it in the Student's IEP.

Documentation of compliance (consisting of the CCC report and IEP) shall be submitted to the Division by June 30, 2005.